REMARKS/ARGUMENTS

As a result of this Amendment, claims 1-24 are under active consideration in the subject patent application.

In the Final Official Action, the Examiner:

(1) rejected claims 1-3, 6-12 and 18-22 under 35 U.S.C. §102(b) as allegedly being anticipated by DE 295 12 609 (the '609 reference);

(2) rejected claims 1-3, 6-12 and 18-22 under 35 U.S.C. §103(a) as allegedly being unpatentable over the '609 reference in view of U.S. Patent No. 4,519,219 issued to Prepodnik et al. (the Prepodnik reference);

(3) rejected claims 1-3, 6-9, 13, 18 and 19 under 35 U.S.C. §102(b) as allegedly being anticipated by Netherlands 8402362 (the NL '362 reference);

(4) rejected claims 1, 2, 8-10, 13-18 and 20-22 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 2,083,621 issued to Smith (the Smith reference); and

(5) rejected claims 1, 2, 4, 5, 8, 18 and 19 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,507,411 issued to Peckels (the Peckels reference).

With regard to Items 1-5, Applicant has amended claim 1 and introduced new claim 24. No new matter has been entered into the application as a result of these changes and addition to the claims. With reference to the accompanying drawings, Applicant provides a barrier arrangement for a drinks dispenser, having a reservoir (10) for a drink and a cover (20) located above the reservoir which covers the supply of drinks (G). The barrier arrangement is disposed on a peripheral portion (21) of the cover (20) which has a peripheral portion (21) which reaches over an edge portion (11,

12) of the reservoir when the cover is closes the reservoir (10). The edge portion includes at least a flange projecting radially outwardly from an edge defining an open end of the reservoir (10). The barrier arrangement is located at an edge of the peripheral portion (21) of the cover and comprises an elongate bolt (30) having a first end, a second end, and a transversely oriented recess located between the ends. The bolt is slidably supported on the peripheral portion of the cover, within a support housing formed by a guide member (23) and a cover wall (22a) that together define a compartment that houses a magnetic block sized for receipt within the transversely oriented recess in the absence of a magnetic field being applied to the cover wall (22a). As a result of this structural arrangement, the bolt (30) can be slid between (i) a first position in which the magnetic block is positioned within the recess while the first end of the bolt is located below the flange thereby locking the cover onto the reservoir; and (ii) a second position in which the magnetic block is positioned within the compartment in response to the application of an attractive magnetic force. In this way, the first end of the bolt is spaced away from the flange thereby unlocking the cover from the reservoir.

Anticipation under 35 U.S.C. §102 requires that each and every element of the invention defined in the claim be met in a single prior art reference. Those elements must either be inherent or disclosed expressly, and must be arranged as described in the claim. See, Diversitech Corporation v. Century Steps, Inc., 850 F. 2d 675, 7 U.S.P.Q. 2d 1315 (Fed. Circuit 1988), Constant v. Advanced Micro-Devices, Inc., 848 F. 2d 1560, 7 U.S.P.Q. 2d 1057 (Fed. Circuit 1988), and Richardson v. Suzuki Motor Company, 868 F. 2d 1226, 9 U.S.P.Q. 2d 913 (Fed. Circuit 1989). Nowhere within the four corners of the references relied upon by the examiner is there disclosure or even a vague suggestion of a barrier arrangement that is located at an edge of a peripheral

portion of a cover and that includes an elongate bolt having a transversely oriented recess located between its ends. Moreover, none of the references relied upon by the examiner that even teach a bolt, provide for it to be slidably supported on the peripheral portion of the cover, within a support housing formed by a guide member and a cover wall that together define a compartment that houses a magnetic block sized for receipt within the transversely oriented recess in the absence of a magnetic field being applied to the cover wall. Applicant's novel structural arrangement allows the bolt to be slid between (i) a first position in which the magnetic block is positioned within the recess while the first end of the bolt is located below the flange thereby locking the cover onto the reservoir; and (ii) a second position in which the magnetic block is positioned within the compartment in response to the application of an attractive magnetic force. In this way, the first end of the bolt is spaced away from the flange thereby unlocking the cover from the reservoir, as defined in amended independent claims 1 and 24.

These distinctions are quite important, for they reflect significant differences in both construction and function between Applicant's claimed invention and the devices taught in either of the foreign references, i.e., DE 295 12 609 and Netherlands, 8402362, or in the Peckels, Smith, or Prepodnik references, alone or in any valid combination.

More particularly, German Gebrauchsmuster DE '609 discloses a cover (2) with a locking mechanism (4) which consists of an arm that cannot be moved relative to a peripheral portion as defined by Applicant. The opposite portion of this locking mechanism (DE '609 translation at page 3, bottom paragraph and page 4, top paragraph) is attached to the container (1) and provides a locking mechanism (7) with a key (6) a spring (8) and a weight (9) which define an opening means. The effect of this

structure is that the DE '609 locking device (3) has a portion that is attached to the lid, and this portion is the locking means (4) with a downwardly directed arm having no displaceability and no support for displaceable movement of this device. When moving this locking device (5) horizontally, an authorized person can open the lid by freeing the lock arm (4) which is moved by a turning movement together with the lid (see, translation at page 3, penultimate paragraph). There is simply no disclosure or even a vague suggestion of Applicant's barrier arrangement as now defined in amended claims 1 and 24.

Turning to Prepodnik, a receptacle for a beverage container is provided that relies upon a dovetail (Fig. 5) for locking. Prepodnik fails to teach, suggest, or even vaguely disclose a bolt that is slid between (i) a first position in which a magnetic block is positioned within a recess while a first end of the bolt is located below a flange thereby locking a cover onto a reservoir; and (ii) a second position in which the magnetic block is positioned within a compartment in response to an application of an attractive magnetic force. Applicant's invention is patentable over the Prepodnik reference alone or in any valid combination with the other references.

The NL '362 reference similarly fails to anticipate Applicant's invention. More particularly, NL '362 provides a reservoir for canned or bottled drinks to be, thrown into. However, cover (2) in the NL '362 reference does not have a peripheral portion that reaches over a reservoir so as to retain the drinks supply. NL '362's cover (2) (figure 3 in cross-section) ends with a screw and a handle (7) and is seated on a rubber portion (10). Applicant respectfully submits that this structure does not reach over the upper end of bottom portion (1) of the container. Also, unlike Applicant's invention, the NL '362 reference fails to provide a barrier device with a bolt that is slid between (i) a first

position in which a magnetic block is positioned within a recess while a first end of the bolt is located below a flange thereby locking a cover onto a reservoir; and (ii) a second position in which the magnetic block is positioned within a compartment in response to an application of an attractive magnetic force. Applicant's invention is patentable over the NL '362 reference alone or in any valid combination with the other references.

Smith similarly fails to disclose a bolt that is slid between (i) a first position in which a magnetic block is positioned within a recess while a first end of the bolt is located below a flange thereby locking a cover onto a reservoir; and (ii) a second position in which the magnetic block is positioned within a compartment in response to an application of an attractive magnetic force. Smith relies upon the engagement of a cantilevered latch (18) with a complementary channel. Applicant's invention is patentable over the Smith reference alone or in any valid combination with the other references.

Peckels discloses an electronically activated dispensing head that is attachable to an individual bottle for regulating the quantity poured from the bottle. Peckels does not disclose a bolt that is slid between (i) a first position in which a magnetic block is positioned within a recess while a first end of the bolt is located below a flange thereby locking a cover onto a reservoir; and (ii) a second position in which the magnetic block is positioned within a compartment in response to an application of an attractive magnetic force. Moreover, there is nothing with the Peckels reference that would even vaguely suggest that his structure would be applicable to a drinks container dispenser, having a reservoir suitable for holding a plurality of drinks containers.

Applicant's invention is patentable over the Peckels reference alone or in any valid combination with the other references.

In view of the foregoing, Applicant respectfully submit that claims 1-24 are in condition for allowance. Favorable reconsideration is therefore respectfully requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicant's undersigned Attorney invites the Examiner to telephone him at **215-979-1255**.

Respectfully Submitted,

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/Samuel W. Apicelli/
Samuel W. Apicelli
Registration No. 36,427
Customer No. 08933
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103-4196
Tel: 215-979-1255
swapicelli@duanemorris.com